IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4638 OF 2006

Sunil Ramchandra Tanpure ..Applicant
V/s
State of Maharashtra ..Respondent.

Mr. S.S. Thombre, Advocate for the applicant

Mrs. M.H.Mhatre, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 7TH FEBRUARY, 2007.

P.C.

. Heard Mr. Thombre, learned Counsel for the applicant and Mrs. M.H. Mhatre, learned APP for the State.

2. The applicant seeks to be released on bail in Crime No.328/2006 registered at Sahakarnagar Police Station for the offences punishable under Sections 302, 201 r/w section 34 of Indian Penal Code.

3. The prosecution case, in brief, is that about 7 to 8 months prior to the incident of this case, at the instance of another accused Ramesh Jadhav, three persons

namely Ganesh Malekar, Deepak and Pappu Lokhande had assaulted one Ganesh Ghule with sharp and cutting weapons and for the offence of attempt to commit murder of Ganesh Ghule said three persons were arrested. However, after their arrest Ramesh Jadhav did not even once went to the Jail to meet them nor he made any attempt to secure bail for them. Due to this, those three persons were annoyed with Ramesh Jadhav. Later on these persons were released on bail. After that Ganesh Malekar had severely beaten Ramesh Jadhav due to the said anger. Due to the said reason quarrels had taken place between Ganesh Malekar and Ramesh Jadhav from time to time. During the night between 14/7/2006 and 15/7/2006 at about 1.30 A.M. Ganesh Malekar came back to his house from some Aarti organised in Ganesh Temple. When he came near his house, four persons namely Ramesh Jadhav, Sagar Jadhav, Sukhdeo Jadhav and the present applicant Sunil Tanpure rushed towards him with weapons in their hands. While Sukhdeo Jadhav and Sagar were holding Koyta/Sickle, present applicant and Ramesh Jadhav were holding Sattur. All these four persons assaulted Ganesh Malekar with the said weapons. Post mortem report reveals that as many as 55 injuries were found on the body of deceased Ganesh Malekar. All the

injuries were caused by sharp and cutting weapons and as per the opinion of Autopsy Surgeon, death was caused due to traumatic and haemorrhage shock as a result of multiple chopped wounds. Such injuries could be caused with Sattur or sickle. Taking into consideration large number of injuries it is impossible to believe that only one or two perosns were involved in commission of offence. There are three witnesses of the incident. They have witnessed the present applicant as one of the assailants. Taking into consideration in which the gruesome and burtal murder was committed and the fact that there are eye witnesses, it will not be in the interest of justice to grant bail.

. Application stands rejected.

(J.H. BHATIA, J.)